

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

Bail Appl..No. 290 of 2007()

Crime No.478/2006 of Nilambur Police Station

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: PETITIONERS/ACCUSED NO.1 & 2

1. MUNDASSERI MUHAMMED @ NANIPPA,
S/O.YOUSUF, PERINCHOORU, POOKKOTTUMPADAM,
AMARAMBALAM, MALAPPURAM DISTRICT.
2. MUNDASSERI SHARAFUDHEEN @ SHAJI,
S/O.MUHAMMED @ NANIPPA, PERINCHOORU,
POOKKOTTUMPADAM, AMARAMBALAM, MALAPPURAM DISTRICT.

BY ADV. SRI.K.M.SATHYANATHA MENON

RESPONDENTS: DEFACTO COMPLAINANT/STATE

1. SUB INSPECTOR OF POLICE,
NILAMBUR POLICE STATION, MALAPPURAM
DISTRICT.
2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SHRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 18/01/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V.Ramkumar, J.

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B.A.No.290 of 2007

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Dated this the 18th day of January, 2007.

ORDER

Petitioners, who are accused Nos. 1 and 2 in Crime No.478 of 2006 of Nilambur Police Station for offences punishable under Sections 302 and 201 read with Section 34 I.P.C., seek their enlargement on bail. The occurrence took place on 1.11.2006. The petitioners were arrested on 3.11.2006 and ever since then they have been in judicial custody.

2. Even though the learned Public Prosecutor opposed the application submitting inter alia that the deceased was invited to the house of the accused with false promises and was stabbed to death and that the life of of the petitioners themselves is in danger since the local people have formed a committee to avenge the death of the deceased, having regard to the facts of the case and the duration of the judicial custody undergone by the petitioners, I am inclined to grant bail to the petitioners, however subject to certain conditions safeguarding the interest of the prosecution as well.

3. Accordingly, the petitioners are directed to be released on

bail on each of them executing a bond for Rs. 10,000/- (Rupees ten thousand only) with two solvent sureties each for the like amount to the satisfaction of the J.F.C.M., Nilambur and subject to the following conditions:

1. The petitioners shall report before the Investigating Officer between 9 a.m. and 11 a.m. on all Wednesdays.
2. The petitioners shall not enter the limits of Amarambalam Village until further orders.
3. The petitioners shall not influence or intimidate the prosecution witnesses nor shall they attempt to tamper with the evidence for the prosecution.
4. The petitioners shall not commit any offence while on bail.

If the petitioners commit breach of any of the above conditions, the bail granted to them shall be liable to be cancelled.

This application is allowed as above.

V.RAMKUMAR, JUDGE.